

18-1584 U.S. FOREST SERVICE V. COWPASTURE RIVER ASSN.

DECISION BELOW: 911 F.3d 150

LOWER COURT CASE NUMBER: 18-1144

QUESTION PRESENTED:

The Appalachian National Scenic Trail (Appalachian Trail) is more than 2000 miles long, extending from Maine to Georgia, with approximately 1000 miles of the Trail crossing through lands within national forests. The National Trails System Act provides that the Appalachian Trail "shall be administered primarily as a footpath by the Secretary of the Interior," 16 U.S.C. 1244(a)(l), and clarifies that "[n]othing contained in [the Act] shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands," 16 U.S.C. 1246(a)(l)(A). Under the Mineral Leasing Act, 30 U.S.C. 181 *et seq.*, the United States Forest Service (Forest Service) has authority to grant certain rights-of-way through lands in the National Forest System, but no federal agency has authority under that statute to grant equivalent rights-of-way through lands in the National Park System. See 30 U.S.C. 185. The question presented is:

Whether the Forest Service has authority to grant rights-of-way under the Mineral Leasing Act through lands traversed by the Appalachian Trail within national forests.

CONSOLIDATED WITH 18-1587 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 10/4/2019